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EXAMINER	
ROBINSON BOYCE, AKIBA K	

ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,181	KAKUTA ET AL.	
	Examiner	Art Unit	
	AKIBA K. ROBINSON BOYCE	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-6 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-6 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 12/9/09, the following is a final office action. Claims 2-6 have been amended. Claims 1 and 7-9 are cancelled. Claims 2-6 and 10 are pending in this application and have been examined on the merits. The previous rejection adjusted to reflect claim amendments. Claims 2-6 and 10 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-3, 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes (US 2003/0065805 A1).

As per claim 2, Barnes discloses:

a request acceptance portion for accepting request information indicating a request for providing a service, the request being sent by a customer/ means for

processing an acceptance of a request…, ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position obtaining portion that obtains a current position the customer relating to the request information/ means for obtaining current position information…, ([0316], lines 1-4, device monitors location of user);

an available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request, ([0188], The vender computer systems (VCSs) receive and process their respective requests, which in this example includes interpreting the request and searching a database for the price of the identified product. After the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the selection criteria at step 365. Other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc., and [0192] shows that "upon viewing the presented data of one or more responses from the VCSs, the user supplies an input to the device 101 at step 370 that in this example is a command to transmit a request to purchase the product from a particular vender. In response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product.

Thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a rental), dates (in the case of travel tickets or reservations), and/or other product information");

an area information storage portion for storing area information that defines a service area around the provision position of the service determined according to the service availability information/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

an existence decision portion that determines whether the customer relating to the request information is within the service area based on the current position of the customer/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically

check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

As per claim 3, Barnes discloses:

a request acceptance portion that accepts a request for providing a service at a desired time from a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion that obtains a current position of the customer when the customer has sent the request/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an area information storage portion for storing area information that defines a service area in accordance with the desired time for receiving the service around a provision position of the service/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user, Barnes also discloses a predetermined distance may be for

different times in [0032], and also in [0157] shows determining the closest point of interest in response to a user request, at a particular time, day, and/or date);

an existence decision portion that determines whether the customer is within the predetermined area in accordance with the current position information and the area information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion accepts a reservation of the service when the existence decision portion has determined that the customer is within the service area and does not reserve the service when the existence decision portion has decided that the customer is not within the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]);

As per claim 5, Barnes discloses:

a request acceptance portion that accepts a request for providing a service from a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion for obtaining a current position information that indicates a current position the customer relating to the request information/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request, ([0188], The vender computer systems (VCSs) receive and process their respective requests, which in this example includes interpreting the request and searching a database for the price of the identified product. After the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the selection criteria at step 365. Other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc., and [0192] shows that "upon viewing the presented data of one or more responses from the VCSs, the user supplies an input to the device 101 at step 370 that in this example is a command to transmit a request to purchase the product from a particular vender. In response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product. Thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a

rental), dates (in the case of travel tickets or reservations), and/or other product information");

an area information storage portion that stores area information that defines a storage area around the provision position of the service determined according to the service availability information/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

an existence decision portion that determines whether the customer is within the service area in accordance with the current position information and the area information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the service when the existence decision portion determines that the customer who made the request is within the service area and does not accept the reservation when the existence decision portion determines that the customer is not within the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the

device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

an arrival time forecast portion that forecasts a time of arrival of the customer whose reservation was accepted at the provision position, ([0176], estimate arrival time);

an arrival possibility decision portion that determines whether the customer who made the request will arrive by the forecasted time of arrival in accordance with the time of arrival, a present time and new current position information of the customer that was obtained newly after the reservation process had been accepted, ([0211], transmits a time user should arrive); and

Barnes et al does not specifically disclose a cancel processing portion that cancels the reservation related to the request information when the arrival possibility decision portion that determines that the customer will not arrive by the forecasted time of arrival, however does disclose the preparation of food by the estimated arrival time, where the time and the location is transmitted in order to inform a time the user should arrive to pickup the food, and avoid counterfeit tickets in [0211], therefore making it obvious that reservation is cancelled based whether or not the customer will arrive by the forecasted time of arrival .

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose a cancel processing portion that cancels the reservation related to the request information when the arrival possibility decision portion that

determines that the customer will not arrive by the forecasted time of arrival with the motivation of showing that time is a factor in deciding whether or not to process a reservation.

As per claim 6, Barnes discloses:

a request acceptance portion that accepts a request for parking a car in the parking lot, ([0155]-[0056], receiving user input and optionally enter into a commercial exchange to buy a product, w/ [0100], parking lot);

a current position information that obtains a current position of a customer that made the request, ([0316], lines 1-4, device monitors location of user);

a traffic information obtaining portion that obtains traffic information around the parking lot or from the customer who made the request, ([0327, receiving information relating to traffic at point of interest, w/ [0100], where point of interest can be a parking lot);; and

a demand forecast portion that forecasts a future demand of the parking lot in accordance with the traffic information, ([0164], shows traffic delays and selecting available points of interest [parking lots] meeting selection criteria to which user will have shortest travel time);

an area information storage portion that stores area information that defines a parking service area around the parking lot according to the forecasted demand, ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is

determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

an existence decision portion that determines whether the customer who made the request is within the parking service area in accordance with the current position information and the area information, ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the parking lot for the customer when the existence decision portion determines that the customer who made the request is within the parking service area and does not perform the reservation, ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

and the existence decision portion decides whether the customer who made the request is within an area that is defined in accordance with the forecasted future demand and the area information, , ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location).

Barnes does not disclose wherein the area information has a parameter that indicates a quantity of the demand, so that the predetermined area is inversely correlated with the quantity indicated by the parameter, however in [0181], Barnes

discloses, quantity as being product identifying information, where products are provided to customers by vendors and quantities are purchased when time data, location data, and/or activity data satisfy predetermined criteria. Therefore, it is obvious that quantities of products are inversely related to the location of the user.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose a provided quantity information obtaining portion for obtaining provided quantity information concerning a quantity of the service that can be provided, wherein the area information has a parameter that indicates the quantity, so that the predetermined area is correlated to the quantity indicated by the parameter, and the existence decision portion performs the decision by deciding whether or not the customer relating to the request information is within an area that is defined in accordance with the quantity indicated by the provided quantity information and the area information with the motivation of showing that a particular quantity of a provided service can be regulated according to location.

In this case, the example used ins for a hotel reservation, however, it is obvious to also make decisions about a reservation depending on location with respect to parking since it is disclosed that the device preferably establishes the communication link automatically when the user is within a predetermined distance and also a user can establish the communication link when the user is at (or arrives at) a predetermined location such as on a particular street, in the user's driveway, in a particular parking lot as shown in [0383]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to accept a parking reservation request when a customer is in within a predetermined area according to the current position information with the motivation of showing that a reservation is more than likely to be made if a customer is within a predetermined distance to a point of interest.

As per claim 10, Barnes discloses:

an interface that receives a parking request from a customer approaching a parking area where parking services are provided, ([0155]-[0156], receiving user input about a point of interest for a location based service and [0225], issues requests to interface software);

a current position acquiring portion that obtains a current position of the customer who sent the parking request, ([0316], lines 1-4, device monitors location of user);

a service volume information portion that provides information about available parking space in the parking area, ([0162], retrieving data of the available points of interest from a database);

a service area portion that determines a predetermined area for service around the parking area based on the available parking space, ([0231], determine the approximate location of the user in the parking area and [0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the

closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user); and

a decision portion which accepts parking reservation request when the customer that sent the request is within the predetermined area according to the current position information, ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation] in this case, the example used ins for a hotel reservation, however, it is obvious to also make decisions about a reservation depending on location with respect to parking since it is disclosed that the device preferably establishes the communication link automatically when the user is within a predetermined distance and also a user can establish the communication link when the user is at (or arrives at) a predetermined location such as on a particular street, in the user's driveway, in a particular parking lot as shown in [0383]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to accept a parking reservation request when a customer is in within a predetermined area according to the current position information with the motivation of showing that a reservation is more than likely to be made if a customer is within a predetermined distance to a point of interest.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes (US 2003/0065805 A1), and further in view of Murashita et al (US 2002/0062236 A1).

As per claim 4, Barnes discloses:

a request acceptance portion for accepting request information indicating a request for providing a service from a customer/ means for processing an acceptance of a request..., ([0155]-[0156], receiving user input about a point of interest for a location based service, and optionally enter into a commercial exchange to buy a product, w/([0277], user can use the device to request vendor information, which includes vendor location info);

a current position information obtaining portion that obtains a current position of the customer/ means for obtaining current position information..., ([0316], lines 1-4, device monitors location of user);

an area information storage portion for storing area information that defines a service area around a provision position of the service/ means for obtaining area information..., ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/[0164], shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance, w/ [0141], data storage rules based on location of user);

an existence decision portion that determines whether the customer within the predetermined area in accordance with the current position and the area information/ means for deciding whether or not..., ([0136], lines 4-9, location transmitted to remote destination if user enters a restricted location); and

a reservation acceptance processing portion that accepts a reservation of the service that relates to the request when the existence decision portion determines that the customer is within the service area when it is decided that the customer is not the reservation is not accepted because the existence decision portion determines that the customer is outside the service area/ means for performing a process..., ([0196], shows that a if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, w/ [0321], if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation]).

Barnes et al does not disclose wherein if the customer requests the temporary reservation, the current position information obtaining portion obtains a new current position of the customer, the existence decision portion performs a new decision in accordance with the new current position, and the reservation acceptance processing portion accepts the reservation if it the new decision is that the customer is within the service area, however does disclose that an advertisement may also be deleted based on the location of the user so that advertisements for venders the furthest away are deleted first and/or advertisements for venders (or products) that offered at locations

greater than a predetermined distance are deleted, or in a area (e.g., a shopping complex) in which the device is no longer present or communicating, and that location information of the vender associated with an advertisement may be included with the transmitted advertisement, or transmitted separately such as in map data [0272], thereby suggesting that if the current position is closer than a predetermined distance, that that particular advertisement will no longer be used and that another advertisement will in turn be transmitted, thereby triggering a new decision to determine if the customer is within a predetermined area.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein if the customer requests the temporary reservation, the current position information obtaining portion obtains a new current position of the customer, the existence decision portion performs a new decision in accordance with the new current position, and the reservation acceptance processing portion accepts the reservation if it the new decision is that the customer is within the service area with the motivation of triggering a new decision if a customer is within a predetermined area if the current reservation is not within a predetermined area.

Barnes does not disclose asking the customer whether the customer requires a temporary reservation if not performing the reservation acceptance process, however, Murashita et al discloses in [0435], an example in which the restaurant 30 is temporarily closed, the waiting time becomes longer than a predetermined time period, and hence the reservation server 19 cancels the service contents without suggesting them, or shows the long waiting time to the user. Accordingly, this can provide a service to even

the user whose desires a meal in the restaurant 30 strongly. It therefore would be obvious to combine the teachings of Barnes and Murashita et al to teach asking the customer whether the customer requires a temporary reservation if not performing the reservation acceptance process .

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to show asking the customer whether the customer requires a temporary reservation if not performing the reservation acceptance process with the motivation of showing an alternative solution to the reservation not being processed.

Response to Arguments

5. Applicant's arguments filed 12/9/09 have been fully considered but they are not persuasive.

As per claim 1, applicant argues that Barnes is a data flow diagram of a method which allows a user to locate the closest point of interest PI, where, according to applicant, that is, different from the claims in which a system used by a service provider to accept a service reservation from customers, since in Barnes a customer initiates an inquiry regarding points of interest (PIs) where services are provided. However, *in [0030], Barnes discloses that* references to a product is meant to mean any product, goods, service, or any other article of commerce including, but not limited to, such items

as rentals, tickets (e.g., entertainment, travel, etc.), reservations (e.g., travel, hotel, restaurant, entertainment, etc.).

Applicant further argues that the request in Barnes is an optional subsequent step to receiving the information, while according to claim 2, the available quantity obtaining portion obtains service availability information "when the request acceptance portion has received the request." However, the passage applicant relies on refers to transmitting a request for other vender information before requesting product information, not merely requesting product information, so therefore, the vendor information will be received before the request for a product is made. Barnes in [0275] shows that the device includes software for finding a product within a vender location within a shopping mall, where the device 101 transmits a request for the product or vender to the ACS (or other remote computer with access to the information) and receives a response with the requested information if the vender or product is present without requesting other vendor information. In this case, a request in received, and the requested product information is provided after the request has been received.

Applicant further argues that Barnes further fails to anticipate or render obvious "a current position obtaining portion that obtains a current position of the customer who sent the request", since the monitoring in Barnes is a stand-alone function of the device which has no relationship with the customer who sent a request for a service. However, in [0316], Barnes discloses monitoring the user who is carrying the device, and since the user uses the device to send the request, as shown in [0212]-[0214], it is logical to conclude that the user who sends the request is being monitored.

Applicant further argues that as amended, Barnes does not anticipate or render obvious "an available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request." However, as now disclosed above in the rejection, [0188], of Barnes shows that the vender computer systems (VCSs) receive and process their respective requests, which in this example includes interpreting the request and searching a database for the price of the identified product, and after the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the selection criteria at step 365. Barnes also shows that other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc., and in addition, [0192] of Barnes shows that "upon viewing the presented data of one or more responses from the VCSs, the user supplies an input to the device 101 at step 370 that in this example is a command to transmit a request to purchase the product from a particular vender, where, in response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product, and thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a rental), dates (in the case of travel tickets or reservations), and/or other product information".

Applicant further argues that Barnes fails to anticipate or render obvious "an area information storage portion that stores area information that defines a service area around the provision position of the service determined according to the service availability information" as recited in claim 2. since according to applicant, Banes teachings from paragraphs [0162] and [0164] refer to actions that occur prior to a user input (i.e. step 315) which the Office Action has indicated as corresponding to receiving a request. However, as shown in [0157], Barnes discloses The device 101 determines the closest point of interest in response to a user request.

Applicant further argues that Barnes does not anticipate "an existence decision portion that determines whether the customer that sent the request is within the service area based on the current position of the customer and the area information" as recited in claim 2 since Barnes does not teach or suggest that the user carrying the device 101 has submitted any request for a service, and that there is no evidence that the "restricted location" is related to such a service request, and more specifically, there is no correspondent to "area information that defines a service area around the provision position of the service determined according to the service availability information." However, since [0316] of Barnes shows that "the device 101 may be programmed to monitor the location of the user carrying the device, which may include what facilities the user enters, the address(es) visited, what venders the user visits, etc. The location may then be periodically transmitted to a remote computer system or a location notification can be transmitted to a remote destination if the user enters a restricted location (a location defined by the authorized user as being a location that the user

should not enter and/or a notification transmitted", and since, as examiner discussed in previous paragraphs that the user uses the device to send the request, as shown in [0212]-[0214], it is logical to conclude that when the user uses the device to send the request, a determination is made that the user is in a certain service area.

Applicant further argues that Barnes does not anticipate or render obvious "a reservation acceptance processing portion that accepts a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area" as recited in claim 2 since teachings the completion of a reservation to a hotel (i.e.check-in) performed in Barnes where a patron enters an area around a hotel does not render obvious "[accepting] a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area" because the hotel reservation pre-existed the customer's entrance in a service area defined according to service availability, and that Barnes does not teach or suggest that the hotel reservation is invalidated by the customer being outside an area around the hotel. However, the user already having a reservation is an alternative embodiment. In [0195], Barnes teaches that in response to a user request, the closest hotels that meet criteria are presented. The user then selects a hotel to request further information or purchase a room rental. In this case, the invalidation of a hotel reservation by a customer being outside an area around the hotel is suggested since the closest three hotels are presented for the customer to choose from in order to make a reservation.

As per claims 3-6 and 10, these claims are still rejected for the same reasons as discussed above with respect to claim 1.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
February 24, 2010

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628